

Union Calendar No. 393

107TH CONGRESS
2^D SESSION**H.R. 5169****[Report No. 107-645]**

To amend the Federal Water Pollution Control Act to enhance the security
of wastewater treatment works.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2002

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr.
DEFAZIO) introduced the following bill; which was referred to the Com-
mittee on Transportation and Infrastructure

SEPTEMBER 5, 2002

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Federal Water Pollution Control Act to
enhance the security of wastewater treatment works.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wastewater Treatment
5 Works Security Act of 2002”.

1 **SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.**

2 Title II of the Federal Water Pollution Control Act
3 (33 U.S.C. 1281 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.**

6 “(a) GRANTS FOR VULNERABILITY ASSESSMENTS
7 AND SECURITY ENHANCEMENTS.—The Administrator
8 may make grants to a State, municipality, or intermunicipal or interstate agency—

10 “(1) to conduct a vulnerability assessment of a
11 publicly owned treatment works;

12 “(2) to implement security enhancements listed
13 in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

15 “(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

18 “(b) VULNERABILITY ASSESSMENTS.—

19 “(1) DEFINITION.—In this section, the term
20 ‘vulnerability assessment’ means an assessment of
21 the vulnerability of a treatment works to actions intended to—

23 “(A) substantially disrupt the ability of the
24 treatment works to safely and reliably operate;
25 or

1 “(B) have a substantial adverse effect on
2 critical infrastructure, public health or safety,
3 or the environment.

4 “(2) IDENTIFICATION OF METHODS TO REDUCE
5 VULNERABILITIES.—A vulnerability assessment in-
6 cludes identification of procedures, countermeasures,
7 and equipment that the treatment works can imple-
8 ment or utilize to reduce the identified
9 vulnerabilities.

10 “(3) REVIEW.—A vulnerability assessment shall
11 include a review of the vulnerability of the treatment
12 work’s—

13 “(A) facilities, systems, and devices used in
14 the storage, treatment, recycling, or reclamation
15 of municipal sewage or industrial wastes;

16 “(B) intercepting sewers, outfall sewers,
17 sewage collection systems, and other con-
18 structed conveyances;

19 “(C) electronic, computer, and other auto-
20 mated systems;

21 “(D) pumping, power, and other equip-
22 ment;

23 “(E) use, storage, and handling of various
24 chemicals; and

1 “(F) operation and maintenance proce-
2 dures.

3 “(c) GRANTS FOR SECURITY ENHANCEMENTS.—

4 “(1) PREAPPROVED SECURITY ENHANCE-
5 MENTS.—Upon certification by an applicant that the
6 applicant has completed a vulnerability assessment
7 for a treatment works and that the security en-
8 hancement for which assistance is sought is to re-
9 duce vulnerabilities of the treatment works identified
10 in the assessment, the Administrator may make
11 grants to the applicant under subsection (a)(2) for
12 1 or more of the following:

13 “(A) Purchase and installation of equip-
14 ment for access control, intrusion prevention
15 and delay, and detection of intruders and haz-
16 ardous or dangerous substances, including—

17 “(i) barriers, fencing, and gates;

18 “(ii) security lighting and cameras;

19 “(iii) metal grates, wire mesh, and
20 outfall entry barriers;

21 “(iv) securing of manhole covers and
22 fill and vent pipes;

23 “(v) installation and re-keying of
24 doors and locks; and

1 “(vi) smoke, chemical, and explosive
2 mixture detection systems.

3 “(B) Security improvements to electronic,
4 computer, or other automated systems and re-
5 mote security systems, including controlling ac-
6 cess to such systems, intrusion detection and
7 prevention, and system backup.

8 “(C) Participation in training programs
9 and the purchase of training manuals and guid-
10 ance materials relating to security.

11 “(D) Security screening of employees or
12 contractor support services.

13 “(2) ADDITIONAL SECURITY ENHANCE-
14 MENTS.—

15 “(A) GRANTS.—The Administrator may
16 make grants under subsection (a)(3) to an ap-
17 plicant for additional security enhancements not
18 listed in paragraph (1).

19 “(B) ELIGIBILITY.—To be eligible for a
20 grant under this paragraph, an applicant shall
21 submit an application to the Administrator con-
22 taining such information as the Administrator
23 may request.

24 “(3) LIMITATIONS.—

1 “(A) USE OF FUNDS.—Grants under sub-
2 sections (a)(2) and (a)(3) may not be used for
3 personnel costs or operation or maintenance of
4 facilities, equipment, or systems.

5 “(B) DISCLOSURE OF VULNERABILITY AS-
6 SESSMENT.—As a condition of applying for or
7 receiving a grant under this section, the Admin-
8 istrator may not require an applicant to provide
9 the Administrator with a copy of a vulnerability
10 assessment.

11 “(d) GRANT AMOUNTS.—

12 “(1) FEDERAL SHARE.—The Federal share of
13 the cost of activities funded by a grant under sub-
14 section (a) may not exceed 75 percent.

15 “(2) MAXIMUM AMOUNT.—The total amount of
16 grants made under subsections (a)(1) and (a)(2) for
17 one publicly owned treatment works shall not exceed
18 \$150,000.

19 “(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY
20 OWNED TREATMENT WORKS.—

21 “(1) SECURITY ASSESSMENT AND PLANNING
22 ASSISTANCE.—The Administrator, in coordination
23 the States, may provide technical guidance and as-
24 sistance to small publicly owned treatment works on
25 conducting a vulnerability assessment and implemen-

1 tation of security enhancements to reduce
2 vulnerabilities identified in a vulnerability assess-
3 ment. Such assistance may include technical assist-
4 ance programs, training, and preliminary engineer-
5 ing evaluations.

6 “(2) PARTICIPATION BY NONPROFIT ORGANIZA-
7 TIONS.—The Administrator may make grants to
8 nonprofit organizations to assist in accomplishing
9 the purposes of this subsection.

10 “(3) SMALL PUBLICLY OWNED TREATMENT
11 WORKS DEFINED.—In this subsection, the term
12 ‘small publicly owned treatment works’ means a
13 publicly owned treatment works that services a pop-
14 ulation of fewer than 20,000 persons.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to the Administrator—

17 “(1) \$200,000,000 for making grants under
18 subsection (a); and

19 “(2) \$15,000,000 for providing technical assist-
20 ance under subsection (e).

21 Such sums shall remain available until expended.”.

1 **SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT**
2 **METHODOLOGY FOR PUBLICLY OWNED**
3 **TREATMENT WORKS.**

4 (a) GRANTS.—The Administrator of the Environ-
5 mental Protection Agency may make grants to a nonprofit
6 organization for the improvement of vulnerability self-as-
7 sessment methodologies and tools for publicly owned treat-
8 ment works, including publicly owned treatment works
9 that are part of a combined public wastewater treatment
10 and water supply system.

11 (b) ELIGIBLE ACTIVITIES.—Grants provided under
12 this section may be used for developing and distributing
13 vulnerability self-assessment methodology software up-
14 grades, improving and enhancing critical technical and
15 user support functions, expanding libraries of information
16 addressing both threats and countermeasures, and imple-
17 menting user training initiatives. Such services shall be
18 provided at no cost to recipients.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$1,000,000 for each of the fiscal years 2003 through
22 2007. Such sums shall remain available until expended.

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